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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/978,610

10/16/2001

Keiji Kanota

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20999 7590 06/11/2010
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EXAMINER

LEE, Y YOUNG

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

06/11/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/978,610	Applicant(s) KANOTA ET AL.	
	Examiner Y. Lee	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 May 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 86-170 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 86-170 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 08/220,049.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's request for a new office action is persuasive and, therefore, the last office action dated 4/28/10 is withdrawn. In particular, after careful consideration of applicant's comments, Examiner has recognized that claims 1, 2, 19-26, 34, 35, and 46-53 were inadvertently left in the heading for rejection under 35 U.S.C. 103 over Platte et al in view of Justice et al in the previous Office Action. Based on the Office Action Summary, it was clear as applicant indicated that claims 86-170 were rejected. Therefore, Examiner wishes to clarify the above issue by re-addressing the Remarks filed 4/16/10 as applied to claims 86-170. Since the above clarification was by itself evident in view of the applicant's comment in the last communication and the examiner agrees to clarify the issue in a new office action as set forth by the applicant, it is believed that no hardship has been caused by the clarification. Nevertheless, the examiner wishes to apologize for the inadvertent oversight of the claim numbering and any inconvenience to the applicant is regretted.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 08/220,049, filed on 3/30/94.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 86-170 are rejected under 35 U.S.C. 103(a) as being unpatentable over Platte et al (WO 92/16944) in view of Justice et al (4,044,380) for the same reasons as set forth in Section 6 of the previous office action, dated 7/8/09.

6. With respect to the newly submitted claim limitations, Platte et al already discloses the method of processing a video signal to selectively permit copying thereof, the video signal having an effective picture portion containing useful picture information from which a viewable picture is displayed and a non-picture portion in which is disposed vertical blanking identifying (VBID) data, as taught by Justice et al, comprised of a plural-bit mode number and associated plural-bit data or data flags wherein the plural-bit mode number selectively classifies the associated plural-bit data or data flags as data or flags such that predetermined bits of the associated plural-bit data or data flags represent different information as a function of the classification by the plural-bit mode number, the method comprising the steps of generating copyright information data CP indicative of whether the viewable picture is subject to copyright; generating copy generation data CC indicative of the number of successive generations of copies that can be made from the processed video signal; and setting the predetermined bits as the

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copyright information data and the copy generation data when the plural-bit mode number (e.g. digital additional information) classifies the associated plural-bit data or data flags as flags, thereby to produce said processed video signal.

Response to Arguments

7. Applicant's arguments filed 4/16/10 have been fully considered but they are not persuasive. Applicant asserts on page 29 of the Remarks that Platte et al fails to disclose a plural-bit mode number. However, as applicant agrees, the subcode of Platte et al is a 3-segment code that contains at least a one-bit copy count and another single bit representing "yes" or "no". Therefore, it is submitted that these 2 bits within the subcode meets the plural-bit limitation in the current claims.

Applicant also asserts on page 30 of the Remarks that Platte et al fails to disclose any indication of the number of permitted copies of the video signal that remain. However, Figure 2 of Platte et al illustrates the concept of such a video cassette including additional information comprising a code CC with the value zero that would permit a back-up copy to be made. When the backup copy has the value "1" for the code CC, it indicates that no further copy may be made.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y. Lee whose telephone number is (571) 272-7334. The examiner can normally be reached on (571) 272-7334.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Young Lee/
Primary Examiner
Art Unit 2621

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